

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1978

— ● —

ENROLLED

*Committee Substitute for*

HOUSE BILL No. 1221

(By Mr. Speaker, Mr. Kopp and Mr. Albright

— ● —

PASSED February 13, 1978

In Effect ninety days from Passage

**ENROLLED**

**COMMITTEE SUBSTITUTE**

**FOR**

**H. B. 1221**

(By MR. SPEAKER, MR. KOPP, and MR. ALBRIGHT)

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(Originating in the House Committee on Education)

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[Passed February 13, 1978; in effect ninety days from passage.]

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AN ACT to amend and reenact sections five, nine-a and nine-b, article twenty-six, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the West Virginia board of regents; members; vacancies among and selection of the voting members of the board of regents; requiring the governor to fill vacancies among the appointed members within sixty days of a vacancy; and relating to the advisory council of faculty and the advisory council of the students; prohibiting proxy voting during elections of chairmen of the faculty and student advisory councils to the board of regents; providing a tie-breaking method at such elections; providing for the election of a council member to preside in the chairman's absence; and requiring the councils to meet and elect new chairmen within thirty days of a vacancy in such chairmanships.

*Be it enacted by the Legislature of West Virginia:*

That sections five, nine-a and nine-b, article twenty-six, chapter eighteen of the code of West Virginia, one thousand nine hundred

thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 26. WEST VIRGINIA BOARD OF REGENTS.**

**§18-26-5. Commencement of terms of members; vacancies; eligibility for reappointment; oath of office; removal from office.**

1 The governor shall appoint nine members of the board to be  
2 appointed by him as soon after the effective date of this article  
3 as is practicable, and the original terms of the nine members  
4 appointed by the governor and of the one member, who is  
5 such by virtue of being the state superintendent of schools,  
6 shall commence on July one, one thousand nine hundred  
7 sixty-nine. The chairman of the advisory council of students,  
8 ex officio, and the chairman of the advisory council of  
9 faculty, ex officio, shall serve the terms for which they were  
10 elected by their respective advisory councils; these members  
11 shall be eligible to succeed themselves. All members of the  
12 board of regents serving as of the effective date of this enact-  
13 ment shall continue to serve until the end of their term as  
14 provided for above.

15 The governor shall appoint a member to fill any vacancy  
16 among the nine members of the board appointed by the  
17 governor, by and with the advice and consent of the Senate,  
18 which member appointed to fill such vacancy shall serve for  
19 the unexpired term of the vacating member. The governor  
20 shall fill the vacancy within sixty days of the occurrence of  
21 the vacancy.

22 All members of the board appointed by the governor shall  
23 be eligible for reappointment. A person who has served as a  
24 member during all or any part of the two consecutive terms  
25 shall be ineligible to serve as a member for a period of three  
26 years immediately following the second of the two consecu-  
27 tive terms.

28 Before exercising any authority or performing any duties  
29 as a member of the board, each member shall qualify as such  
30 by taking and subscribing to the oath of office prescribed by  
31 section five, article four of the state constitution, the certificate  
32 whereof shall be filed with the secretary of state.

33 No member of the board appointed by the governor may be  
34 removed from office by the governor except for official  
35 misconduct, incompetence, neglect of duty, or gross im-  
36 morality and then only in the manner prescribed by law for the  
37 removal by the governor of the state elective officers.

**§18-26-9a. Advisory council of faculty.**

1 During the month of April, one thousand nine hundred  
2 seventy-seven, and annually thereafter, each state college,  
3 community college, including Potomac State College of West  
4 Virginia University, and university president or other adminis-  
5 trative head shall convene a meeting of all faculty members  
6 of his institution. At these meetings, the faculty members of  
7 each such college and university shall elect one faculty member  
8 to serve on the advisory council of faculty, which is hereby  
9 created, consisting of one faculty member, so elected, from  
10 each such college and university. Terms of the members of  
11 such council shall be for one year and shall begin on the  
12 first day of May of each year.

13 The advisory council of faculty shall meet at least once  
14 each quarter, and shall meet during each month of June, at  
15 which meeting the council shall elect a chairman, who shall  
16 be by virtue of his office a voting member of the West Vir-  
17 ginia board of regents. No member may vote by proxy at  
18 such election. In the event of a tie in the last vote taken  
19 for such election, a member authorized by the council shall  
20 select the chairman by lot from the names of those persons  
21 tied. Immediately following the election of a chairman, the  
22 council shall elect, in the manner prescribed by this section  
23 for the election of a chairman, a member of the council to  
24 preside over meetings of the council in the chairman's absence.  
25 Should the chairman vacate the position, the council shall  
26 meet and elect a new chairman to fill the unexpired term  
27 within thirty days following such vacancy.

28 The advisory council of faculty, through its chairman and  
29 in any other appropriate manner, shall consult and advise the  
30 board of regents in matters of higher education in which the  
31 faculty members of this state's colleges and universities may  
32 have an interest.

33 Members of the advisory council shall be eligible to succeed  
34 themselves. Members of the advisory council shall serve  
35 without compensation, but shall be entitled to reimbursement  
36 for actual and necessary expenses incurred in the performance  
37 of the duties of their office to be paid by the state college  
38 or university served.

39 The board of regents shall furnish a secretarial service to  
40 the advisory council, and the advisory council shall cause to  
41 be prepared minutes of its meetings, which minutes shall be  
42 available, upon request, to any faculty member of the state's  
43 colleges and universities.

**§18-26-9b. Advisory council of students.**

1 The student government organization at each state col-  
2 lege, community college, including Potomac State College  
3 of West Virginia University, and university shall elect  
4 a student, who shall be a resident of the state of West  
5 Virginia and who may be the elected head, or president,  
6 of such organization, to serve on the advisory council  
7 of students which is hereby created, consisting of the  
8 elected representatives of each such college or university.  
9 Terms of the members of such council shall be for one  
10 year and shall begin on the first day of May of each  
11 year.

12 The advisory council of students shall meet at least once  
13 each quarter, and shall meet during each month of June, at  
14 which meeting, the council shall elect a chairman, who shall  
15 be a resident of the state of West Virginia and who shall be,  
16 by virtue of his office, a voting member of the West Virginia  
17 board of regents. No member may vote by proxy at such  
18 election. In the event of a tie in the last vote taken for  
19 such election, a member authorized by the council shall  
20 select the chairman by lot from the names of those persons  
21 tied. Immediately following the election of a chairman, the  
22 council shall elect, in the manner prescribed by this section  
23 for the election of a chairman, a member of the council to  
24 preside over meetings of the council in the chairman's absence.  
25 Should the chairman vacate the position, the council shall  
26 meet and elect a new chairman to fill the unexpired term  
27 within thirty days following such vacancy.

28 The advisory council of students, through its chairman and  
29 in any other appropriate manner, shall consult and advise  
30 the board of regents in matters of higher education in which  
31 the students of the state's colleges and universities may have  
32 an interest.

33 Members of the advisory council shall be eligible to succeed  
34 themselves. Members of the advisory council shall serve  
35 without compensation, but shall be entitled to reimbursement  
36 for actual and necessary expenses incurred in the performance  
37 of the duties of their office to be paid by the state college or  
38 university served.

39 The board of regents shall furnish a secretarial service to  
40 the advisory council, and the advisory council shall cause to  
41 be prepared minutes of its meetings, which minutes shall be  
42 available, upon request, to any student in this state's colleges  
43 and universities.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Dorene C. Christian  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. C. Snelson Jr  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

W. T. Bullock  
President of the Senate

Donald L. Kopp  
Speaker House of Delegates

The within is approved this the 22  
day of February, 1978.

Don D. Rhyne  
Governor



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OFFICE OF THE GOVERNOR